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10/723,429

11/26/2003

Eric Wohl

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LARSON NEWMAN ABEL POLANSKY & WHITE, LLP  
5914 WEST COURTYARD DRIVE  
SUITE 200  
AUSTIN, TX 78730

EXAMINER

MOLINA, ANITA C

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/723,429	<b>Applicant(s)</b> WOHL ET AL.	
	<b>Examiner</b> ANITA C. MOLINA	<b>Art Unit</b> 4194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/26/2003, 08/09/2004, 09/22/2005, and 02/01/2006</u> .      | 6) <input type="checkbox"/> Other: _____                          |



## DETAILED ACTION

### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

the claimed invention is directed to non-statutory subject matter.

2. Claims 1-9, and 24-27 are rejected under 35 U.S.C. 101 because they are directed to non-statutory subject matter. These claims are directed to an interface which does not fall under any of the statutory categories and is considered descriptive material *per se*. "Data structures not claimed as embodied in computer-readable media are descriptive material *per se* and are not statutory because they are not capable of causing functional change in the computer." (See, MPEP 2106.01)

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 12 recites the limitation "the network interface" in line 12. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Objections***

1. Claim 20 is objected to because of the following informalities: The claim states, **wherein contextual link**. The claim should read **wherein *the* contextual link**.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

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2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 7, 9-15, 17-21, 24-25, 27-31, and 34-38 are rejected under 35 U.S.C. 102(b) as being anticipated by US 6,347,329 to Evans.

As per claim 1, Evans teaches the claimed computer generated user interface screen associated with a patient, the user interface screen comprising:

- an interface form component associated with a patient condition (see: Fig. 5, column 6, lines 42-45; and

- a contextual link associated with available contextual data, the available contextual data associated with the patient condition (see: column 6, lines 45-59).

As per claim 2, Evans teaches the claimed user interface screen, wherein the contextual link comprises a label indicative of the available contextual data (see: 151 - 154, Fig. 5).

As per claim 3, Evans teaches the claimed user interface screen, wherein the contextual link is configured to access a second user interface screen associated with the available contextual data (see: column 6, lines 42-59).

As per claim 4, Evans fails teaches the claimed user interface screen, wherein the available contextual data is associated with a patient medical history (see: History tab, Fig. 5).

As per claim 7, Evans teaches the claimed user interface screen, wherein the available contextual data is associated with a current medication (see: column 12, lines 3-10, Fig. 21).

As per claim 9, Evans teaches the claimed user interface screen, further comprising a test link associated with the patient (see: Laboratory tab, Fig. 5).

As per claim 10, Evans teaches the claimed system comprising:

- a processor (column 13, lines 4-5); and

- storage coupled to the processor (column 13, lines 5-9), the storage comprising:

  - instructions for accessing a patient record (column 13, lines 24-26); and

  - instructions for providing a user interface screen, the user interface screen including a medical form component associated with a patient condition and a contextual link associated with available contextual data, the available contextual data associated with the patient condition (see claim 1).

As per claim 11, Evans teaches the claimed system, further comprising a portable interface device configured to display the user interface screen (see: column 13, line 17-19).

As per claim 12, Evans teaches the claimed system, wherein the user interface screen comprises a wireless network interface (see: column 13, lines 24-34).

As per claims 13-15, they are rejected for the same reasons set forth in claims 2-4, respectively.

As per claim 17, it is rejected for the same reason set forth in claim 9.

As per claim 18, Evans teaches the claimed system, further comprising a database (see: column 5, line 18-26).

As per claim 19, Evans teaches the claimed system, wherein the database includes the patient record (see: column 5, lines 18-26).

As per claim 20, Evans teaches the claimed system, wherein the contextual link is derived from data stored in the patient record (see: column 3, lines 14-22).

As per claim 21, Evans teaches the claimed system, wherein the user interface screen comprises a combination of a template and patient data (see: Fig. 6).

As per claim 24, Evans teaches the claimed medical interface comprising: a plurality of interface pages;

- wherein at least one page of the plurality of interface includes a present illness form component associated with a patient condition (see: column 6, line 60 – column 7, line 10) and a contextual link associated with the patient condition, the contextual link having a label indicative of available contextual data (see claims 1 and 2); and

- wherein the contextual link is configured to access a second page associated with the available contextual data, the second page including a link to the at least one page that includes the present illness form component (see: column 7, lines 33-45).

As per claim 25, it is rejected for the same reason set forth for claim 4.

As per claim 27, it is rejected for the same reasons set forth for claim 9.

As per claim 28, Evans teaches the claimed method of providing a medical documentation interface, the method comprising:

-receiving a request for an interface screen associated with a patient (see: column 10, lines 41-50);

-accessing data associated with the patient (see: column 10, lines 41-50); and

-providing the interface screen including a medical form component associated with a patient condition and a contextual link associated with available contextual data, the available contextual data being associated with the patient condition (see claim 1).

As per claims 29-31, they are rejected for the same reasons set forth for claims 2-4, respectively.

As per claim 34, it is rejected for the same reason set forth for claim 3.

As per claim 35, Evans teaches the claimed method, further comprising retrieving template data and patient data (see: column 3, lines 30-36).

As per claim 36, Evans teaches the claimed method, further comprising storing current encounter data (see: column 3, lines 23-29).

As per claim 37, it is rejected for the same reason set forth for claim 1.

As per claim 38, Evans teaches the claimed interface device, wherein the interface device is a computer tablet (see: column 13, lines 17-24).

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.



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Claims 5-6, 8, 16, 22-23, 26, 32-33, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,347,329 to Evans in view of US 2002/0019749 to Becker et al.

As per claim 5, Evans fails to teach the claimed user interface screen, wherein the available contextual data is associated with a chronic disease. Becker et al teaches a system that electronically integrates many aspects of the patient-physician encounter and the health care information systems used during that encounter. In this system, Becker et al teaches a display of chronic illnesses (see: paragraph 116). It would have been obvious to one skilled in the art at the time of the invention to include in the interface of Evans, the contextual data associated with chronic illness, as taught by Becker et al, because the claimed invention is merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 6, Evans fails to teach the claimed user interface screen, wherein the available contextual data is associated with family history. Becker et al teaches an interface which includes a family history button that is selected so that the family history of the patient is displayed (see: paragraph 119). The rationale to combine these references is the same as set forth for claim 5.

As per claim 8, Evans fails to teach the claimed user interface screen, wherein the available contextual data is associated with a social history. Becker teaches social history as a category of information collected by the physician during the patient

encounter and recorded on the patient record (see: paragraph 109). The rationale to combine these references is the same as set forth for claim 5.

As per claim 16, it is rejected for the same reason set forth in claim 5.

As per claim 22, Evans fails to teach the claimed system, wherein the user interface screen further comprises a link to a study. Becker et al teaches a link to online medical references including scientific publications of research studies (see: paragraph 109). The rationale to combine these references is the same as set forth for claim 5.

As per claim 23, Evans fails to teach the claimed system, wherein the user interface screen is a history of present illness screen. Becker et al teaches an interface with a history of present illness category. The rationale to combine these references is the same as set forth for claim 5.

As per claim 26, it is rejected for the same reason set forth for claim 5.

As per claim 32, it is rejected for the same reason set forth for claim 5.

As per claim 33, it is rejected for the same reason set forth for claim 23.

As per claim 39, Evans fails to teach the claimed interface device, wherein the interface device is a personal digital assistant portable computer. Becker et al teaches using a handheld computing device to access the user interface (see: paragraph 42). The rationale to combine these references is the same as set forth for claim 5.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANITA C. MOLINA whose telephone number is

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(571)270-3614. The examiner can normally be reached on Monday through Friday 7:30am to 5pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Kyle can be reached on (571) 272-6746. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Anita C Molina/  
Examiner, Art Unit 4194  
03/11/2008

/Charles R. Kyle/  
Supervisory Patent Examiner, Art Unit 4194